

Bill Summary & Status for the 107th Congress

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H.R.638

Sponsor: Rep Frank, Barney(introduced 2/14/2001)

Latest Major Action: 3/2/2001 Referred to House subcommittee. Latest Status: Referred to the Subcommittee on the Civil Service and Agency Organization.

Title: To provide benefits to domestic partners of Federal employees.

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TITLE(S): *(italics indicate a title for a portion of a bill)*

- **SHORT TITLE(S) AS INTRODUCED:**
Domestic Partnership Benefits and Obligations Act of 2001
- **OFFICIAL TITLE AS INTRODUCED:**
To provide benefits to domestic partners of Federal employees.

STATUS: *(color indicates Senate actions)***2/14/2001:**

Referred to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

2/14/2001:

Referred to House Government Reform

3/2/2001:

Referred to the Subcommittee on the Civil Service and Agency Organization.

2/14/2001:

Referred to House Ways and Means

COMMITTEE(S):

Committee/Subcommittee:	Activity:
<u>House Government Reform</u>	Referral
<u>Subcommittee on Civil Service and Agency Organization</u>	Referral
<u>House Ways and Means</u>	Referral

RELATED BILL DETAILS:*****NONE*****

AMENDMENT(S):

NONE

COSPONSORS(79), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: by date)

Rep Abercrombie, Neil - 3/15/2001	Rep Andrews, Robert E. - 3/11/2002
Rep Baldacci, John Elias - 5/15/2001	Rep Baldwin, Tammy - 2/14/2001
Rep Berman, Howard L. - 3/27/2001	Rep Blumenauer, Earl - 9/10/2001
Rep Bonior, David E. - 3/20/2001	Rep Brady, Robert - 2/27/2001
Rep Brown, Sherrod - 5/2/2001	Rep Clay, Wm. Lacy - 3/6/2001
Rep Conyers, John, Jr. - 4/26/2001	Rep Crowley, Joseph - 2/14/2001
Rep Davis, Susan A. - 1/23/2002	Rep Delahunt, William D. - 3/27/2001
Rep Dingell, John D. - 5/2/2002	Rep Engel, Eliot L. - 4/3/2001
Rep Eshoo, Anna G. - 3/5/2002	Rep Evans, Lane - 3/27/2001
Rep Farit, Sam - 1/29/2002	Rep Filner, Bob - 2/27/2001
Rep Gutierrez, Luis V. - 3/8/2001	Rep Harman, Jane - 6/4/2002
Rep Hilliard, Earl F. - 2/27/2001	Rep Hinchey, Maurice D. - 3/6/2001
Rep Hoeffel, Joseph M. - 3/20/2001	Rep Holt, Rush D. - 5/3/2001
Rep Honda, Michael M. - 1/23/2002	Rep Hoyer, Steny H. - 4/23/2002
Rep Jackson, Jesse L., Jr. - 3/11/2002	Rep Jefferson, William J. - 5/25/2001
Rep Jones, Stephanie Tubbs - 3/14/2002	Rep Kilpatrick, Carolyn C. - 6/5/2001
Rep Kucinich, Dennis J. - 3/11/2002	Rep LaFalce, John J. - 7/20/2001
Rep Langevin, James R. - 3/13/2002	Rep Lantos, Tom - 2/27/2001
Rep Larson, John B. - 4/11/2002	Rep Lee, Barbara - 2/27/2001
Rep Lewis, John - 7/25/2001	Rep Lofgren, Zoe - 6/5/2002
Rep Lowey, Nita M. - 2/14/2001	Rep Lynch, Stephen F. - 4/11/2002
Rep Maloney, Carolyn B. - 5/17/2001	Rep Markey, Edward J. - 9/21/2001
Rep Matsui, Robert T. - 4/26/2001	Rep McDermott, Jim - 3/11/2002
Rep McGovern, James P. - 3/27/2001	Rep McKinney, Cynthia A. - 2/27/2001
Rep Meehan, Martin T. - 2/27/2001	Rep Miller, George - 2/27/2001
Rep Mink, Patsy T. - 3/8/2001	Rep Moran, James P. - 9/19/2001
Rep Morella, Constance A. - 4/9/2002	Rep Nadler, Jerrold - 2/14/2001
Rep Napolitano, Grace F. - 12/11/2001	Rep Norton, Eleanor Holmes - 3/6/2001
Rep Olver, John W. - 2/27/2001	Rep Owens, Major R. - 5/9/2002
Rep Pallone, Frank, Jr. - 5/14/2001	Rep Pastor, Ed - 5/22/2002
Rep Pelosi, Nancy - 2/27/2001	Rep Rivers, Lynn N. - 3/6/2001
Rep Rothman, Steve R. - 6/21/2001	Rep Sabo, Martin Olav - 4/26/2001
Rep Sanchez, Loretta - 6/11/2002	Rep Schakowsky, Janice D. - 2/27/2001
Rep Solis, Hilda L. - 3/20/2001	Rep Stark, Fortney Pete - 2/27/2001
Rep Tauscher, Ellen O. - 2/27/2001	Rep Tierney, John F. - 8/1/2001
Rep Towns, Edolphus - 4/26/2001	Rep Udall, Mark - 9/13/2001

Rep Velazquez, Nydia M. - 3/8/2001	Rep Watt, Melvin L. - 5/8/2001
Rep Waxman, Henry A. - 3/8/2001	Rep Weiner, Anthony D. - 6/12/2001
Rep Wexler, Robert - 2/27/2001	Rep Woolsey, Lynn C. - 4/26/2001
Rep Wu, David - 3/14/2002	

SUMMARY AS OF:

2/14/2001--Introduced.

Domestic Partnership Benefits and Obligations Act of 2001 - Entitles domestic partners of Federal employees to benefits available to spouses of Federal employees. Specifies certifications required for benefit eligibility, filing requirements regarding partnership dissolution, and confidentiality requirements. Amends the Internal Revenue Code to extend the tax exemption for employer contributions to accident and health plans to domestic partners under this Act.

107TH CONGRESS
1ST SESSION

H. R. 638

To provide benefits to domestic partners of Federal employees.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 14, 2001

Mr. FRANK (for himself, Mr. NADLER, Ms. BALDWIN, Mrs. LOWEY, and Mr. CROWLEY) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide benefits to domestic partners of Federal employees.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Domestic Partnership
5 Benefits and Obligations Act of 2001".

1 **SEC. 2. BENEFITS TO DOMESTIC PARTNERS OF FEDERAL**
2 **EMPLOYEES.**

3 (a) IN GENERAL.—A domestic partner of an em-
4 ployee shall be entitled to benefits available to and obliga-
5 tions imposed upon a spouse of an employee.

6 (b) CERTIFICATION OF ELIGIBILITY.—In order to ob-
7 tain benefits under this Act, an employee shall file an affi-
8 davit of eligibility for benefits with the Office of Personnel
9 Management certifying that the employee and the domes-
10 tic partner of the employee—

11 (1) are each other's sole domestic partner and
12 intend to remain so indefinitely;

13 (2) have a common residence, and intend to
14 continue the arrangement;

15 (3) are at least 18 years of age and mentally
16 competent to consent to contract;

17 (4) share responsibility for a significant meas-
18 ure of each other's common welfare and financial ob-
19 ligations;

20 (5) are not married to or domestic partners
21 with anyone else;

22 (6) understand that willful falsification of infor-
23 mation within the affidavit may lead to disciplinary
24 action and the recovery of the cost of benefits re-
25 ceived related to such falsification; and

1 (7)(A) are same sex domestic partners, and not
2 related in a way that, if the 2 were of opposite sex,
3 would prohibit legal marriage in the state in which
4 they reside; or

5 (B) are opposite sex domestic partners, and are
6 not related in a way that would prohibit legal mar-
7 riage in the state in which they reside.

8 (c) DISSOLUTION OF PARTNERSHIP.—

9 (1) IN GENERAL.—An employee or domestic
10 partner of an employee who obtains benefits under
11 this Act shall file a statement of dissolution of the
12 domestic partnership with the Office of Personnel
13 Management not later than 30 days after the death
14 of the employee or the domestic partner or the date
15 of dissolution of the domestic partnership.

16 (2) DEATH OF EMPLOYEE.—In a case in which
17 an employee dies, the domestic partner of the em-
18 ployee at the time of death shall be deemed a spouse
19 of the employee for the purpose of receiving benefits
20 under this Act.

21 (3) OTHER DISSOLUTION OF PARTNERSHIP.—

22 (A) IN GENERAL.—In a case in which a
23 domestic partnership dissolves by a method
24 other than death of the employee or domestic
25 partner of the employee, any benefits received

1 by the domestic partner as a result of this Act
2 shall terminate.

3 (B) EXCEPTION.—In a case in which a do-
4 mestic partnership dissolves by a method other
5 than death of the employee or domestic partner
6 of the employee, any health benefits received by
7 the domestic partner as a result of this Act
8 shall continue for a period of 60 days after the
9 date of the dissolution of the partnership. The
10 domestic partner shall pay for such benefits in
11 the same manner that a former spouse would
12 pay for such benefits under applicable provi-
13 sions of chapter 89 of title 5, United States
14 Code.

15 (d) CONFIDENTIALITY.—Any information submitted
16 to the Office of Personnel Management under subsection
17 (b) shall be used solely for the purpose of certifying an
18 individual's eligibility for benefits under subsection (a).

19 (e) DEFINITIONS.—For purposes of this Act:

20 (1) DOMESTIC PARTNER.—The term “domestic
21 partner” means an adult person living with, but not
22 married to, another adult person in a committed, in-
23 timate relationship.

24 (2) BENEFITS.—The term “benefits” means—

1 (A) Civil Service Retirement, as provided
2 in title 5, chapter 83, of the United States
3 Code;

4 (B) Federal Employees' Retirement, as
5 provided in title 5, chapter 84, of the United
6 States Code;

7 (C) life insurance, as provided in title 5,
8 chapter 87, of the United States Code;

9 (D) health insurance, as provided in title
10 5, chapter 89, of the United States Code; and

11 (E) compensation for work injuries, as pro-
12 vided in title 5, chapter 81, of the United
13 States Code.

14 (3) EMPLOYEE.—

15 (A) With respect to Civil Service Retirement,
16 the term “employee” shall have the
17 meaning given such term in section 8331(1) of
18 title 5, United States Code.

19 (B) With respect to Federal Employees'
20 Retirement, the term “employee” shall have the
21 meaning given such term in section 8401(11) of
22 title 5, United States Code.

23 (C) With respect to life insurance, the
24 term “employee” shall have the meaning given

1 such term in section 8701(a) of title 5, United
2 States Code.

3 (D) With respect to health insurance, the
4 term "employee" shall have the meaning given
5 such term in section 8901 of title 5, United
6 States Code.

7 (E) With respect to compensation for work
8 injuries, the term "employee" shall have the
9 meaning given such term in section 8101(1) of
10 title 5, United States Code.

11 (4) OBLIGATIONS.—The term "obligations"
12 means any duties or responsibilities that would be
13 incurred by the spouse of an employee.

14 **SEC. 3. EXEMPTION FROM TAX FOR EMPLOYER-PROVIDED**
15 **FRINGE BENEFITS TO DOMESTIC PARTNERS.**

16 Section 106 of the Internal Revenue Code of 1986
17 (relating to contributions by employer to accident and
18 health plans) is amended by adding at the end the fol-
19 lowing new subsection:

20 "(d) TREATMENT OF DOMESTIC PARTNERS.—The
21 provisions of section 2 of the Domestic Partnership Bene-
22 fits and Obligations Act of 2001 shall apply to employees
23 and domestic partners of employees for purposes of this
24 section and any other benefit which is not includible in

- 1 the gross income of employees by reason of an express pro-
- 2 vision of this chapter.”.

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